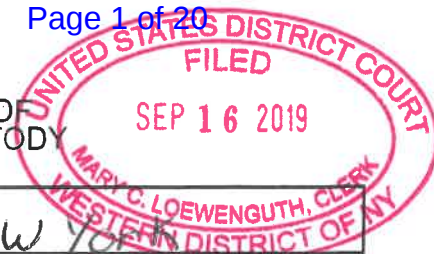


1.9

CV 1252 ✓

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY



United States District Court		District Western of New York
Name Matthew Schunk	Prisoner No. 19B-0145	Case No. 19-CV-12
Place of Confinement Gouverneur Corr. Facility		
Name of Petitioner (include name under which convicted) Matthew Schunk		Name of Respondent (authorized person having custody of petitioner) V. Erie County, Buffalo Police
The Attorney General of the State of: New York		

PETITION

- Name and location of court which entered the judgment of conviction under attack
Erie County Court, 25 Delaware Ave, Buffalo, N.Y. 14202
- Date of judgment of conviction 1-3-19
- Length of sentence 5 yrs Flat
- Nature of offense involved (all counts)
Murder Two, Felony murder, Kidnap
- What was your plea? (Check one)

(a) Not guilty ☐

(b) Guilty ☒

(c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:
Guilty plea of Kidnap,
- If you pleaded not guilty, what kind of trial did you have? (Check one)

(a) Jury ☐

(b) Judge only ☐
- Did you testify at the trial?
Yes ☐ No ☐
- Did you appeal from the judgment of conviction?
Yes ☐ No ☒

9. If your answer to 8. was "yes," attach a copy of the appeals court decision to this petition and answer the following:

(a) Name of court (e.g., NYS Sup. Court, 4th Dept.) _____

(b) Result _____

(c) Date of result and citation, if known _____

(d) List all grounds you raised (1) as part of my plea Deal I was told
I cannot Appeal:

(2) _____

(3) _____

(4) _____

10. Did you seek further review of the appeals court decision by a higher state court (e.g., the NYSCourt of Appeals)?

Yes ☐ No ☒

11. If your answer to 10. was "yes," attach a copy of the higher state court decision to this petition and answer the following:

(a) Name of court _____

(b) Result _____

(c) Date of result and citation, if known _____

(d) List all grounds you raised (1) _____

(2) _____

(3) _____

(4) _____

12. Did you file a petition for certiorari in the United States Supreme Court?

Yes ☐ No ☒

13. If your answer to 12. was "yes," attach a copy of the United States Supreme Court decision to this petition and please answer the following with respect to each direct appeal you asked the United States Supreme Court to review:

(a) Result _____

(b) Date of result and citation, if known _____

(c) List all grounds you raised (1) _____

(2) _____

(3) _____

(4) _____

14. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g. a petition under NY CPL § 440, a state habeas petition, or a previous petition under 28 U.S.C. 2254) with respect to this judgment in any court, state or federal?

Yes



No



15. If your answer to 14. was "yes," attach a copy of that court's decision to this petition and give the following information:

(a) Name of court U.S. District Court Western District

(b) Nature of proceeding U.S.C. 42 1983 Civil Right's

(c) Date Filed 1-2-19

(d) List all grounds you raised (1) Due Process - Violating the protection

OF my private Right's, Suppression OF my equal Right's:

(2) Violating and Denying my Right's OF the
4th, 5th, 6th, 8th, 14th Amendment's:

(3) Violating my civil Right's and wrong Ful imprisonment
For Devin Mcoutecheon's crimes:

(4) Prosecution's unethical, corrupt, Fraudulent manner
in which they prosecuted this case:

- (e) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes



No



(f) Result _____

(g) Date of result _____

16. If your answer to 14. was "yes" and you also filed a second petition, application, or motion, attach a copy of that court's decision to this petition and give the same information:

(a) Name of court _____

(b) Nature of proceeding _____

(c) Date Filed _____

(d) List all grounds you raised (1) _____

(2) _____

(3) _____

(4) _____

(e) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes ☐ No ☒

(f) Result _____

(g) Date of result _____

As to any third, fourth, etc. petition, application, or motion, attach a copy of that court's decision to this petition and give the same information asked for under 15. and 16.

17. If your answer to 14. was "yes" and if the court did not grant the petition(s), application(s), or motion(s) you listed under 15. and 16., did you appeal to an intermediate court of appeals (e.g., the New York State Court of Appeals or the Second Circuit Court of Appeals)?

Yes ☐ No ☒

18. If your answer to 17. was "yes," attach a copy of the appeals court decision to this petition and answer the following regarding each petition, application, or motion:

(a) Name of court _____

(b) Date Filed _____

(c) Result _____

(d) Date of result and citation, if known _____

(e) List all grounds you raised (1) _____

(2) _____

(3) _____

(4) _____

19. Did you appeal to the highest state court (e.g., the NYS Court of Appeals) or the United States Supreme Court for review of decisions regarding the petition(s), application(s), or motion(s) you listed in 15. and 16.?

(a) First petition Yes ☐ No ☒

(b) Second petition Yes ☐ No ☒

(c) Third petition Yes ☐ No ☒

[List any other petition and indicate yes or no.]

20. For each "yes" answer in 19., attach a copy of that court's decision to this petition and give the following information:

(a) Name of court _____

(b) Date filed _____

(c) Result _____

(d) Date of result and citation, if known _____

(e) List all grounds you raised (1) _____

(2) _____

(3) _____

(4) _____

21. If you did *not* appeal from the adverse action on any petition, application, or motion, explain briefly why you did not:

AS A part of my plea Deal to Kidnap I was
informed I cannot appeal this plea

22. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize briefly the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same.

CAUTION: In order to proceed in federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. See 28 U.S.C. §2254(b). If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date. See 28 U.S.C. §2244(b).

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: (A)

Supporting FACTS (state briefly without citing cases or law): "Fact one," I was not
clear on the meaning of Felony murder, my understanding
was being present where a murder happened . . .

"Fact Two" (OBstruction) prosecution's threat
of 25 year's to life for the same crime But
Different charge . . .

B. Ground two: (C)

Supporting FACTS (state briefly without citing cases or law):

"Fact one" illegal action of a malicious Arrest with-out probable cause...

"Fact Two" no supporting evidence to support the allegation's against me...

"Fact three" I was the victim of a home invasion, that has nothing to do with me, that I tried to stop the crime...

C. Ground three: (D)

Supporting FACTS (state briefly without citing cases or law):

"Fact one" I was not in commission of any crime, nor did I commit one

"Fact two" False, and Fraudulent charges resulting from a Fabricated, Speculated theory...

"Fact three" I am not the person that ~~initiated~~ initiated, assisted, or committed the involved crimes...

"Fact Four" there is no proof of fact that exist's...

D. Ground four: (E) All evidence against me is my own testimony which is in direct violation of 5th Amendment:

Supporting FACTS (state briefly without citing cases or law):

(F) Prosecution's Direct violation of there obligation to conform with the Brady Disc: Suppressing Terin's admission, recorded phone call, witness's statement, corroborating statement:

(I) I requested new Counsel (4 times) Never granted:

(J) upon Sentencing to my plea Deal of Kidnap which I DID not Do I was informed I may not Appeal: Commit

23. If you did not previously present any of the grounds listed in 22A, 22B, 22C, and 22D in any other court, state or federal, state briefly what grounds you did not present and give your reasons for not presenting them:

My civil Right's, My Amendment Right's, and my Due process of law right's were constantly, and continuelessly violated By Erie county:

24. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes ☒ No ☐

(a) Name of court U.S. District Court (Western District)

(b) Nature of proceeding U.S.C. 42, 1983 civil Rights

(c) Date filed 1-2-19

(d) List all grounds you raised (1) Malicious Prosecution - Having no Probable cause or evidence of support

(2) False charges - I did not commit any crime, nor was I in commission of a crime, nor outside my Dwelling

(3) Prosecutorial misconduct - Violating Rules of professional conduct, Violating my constitutional Rights, False information

(4) Suppression - not allowing, producing, or honoring evidence and information in my Favor...

25. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you challenge in this petition:

(a) At preliminary hearing Paul Michalek W. Seneca

(b) At arraignment and plea Paul Michalek

(c) At trial _____

(d) At sentencing Paul Michalek

(e) On appeal _____

(f) In any post-conviction proceeding _____

(g) On appeal from any adverse ruling in a post-conviction proceeding _____

26. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☐ No ☒

27. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☒ No ☐

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

8-22-19
(Date)

Matthew Schunk
Signature of Petitioner

Matthew Schunk

9-10-19

-V-

Harbaes Corpus

State of New York:

Schunk's Defense

Fruit of the Poisonous tree:

My name is Matthew Schunk, I am 55 years of age, I have made an honest living my entire life, I have never victimized anyone my entire life, I have no criminal record, I am the only witness to this crime, and I am not affiliated with either of the parties involved in this criminal matter...

I tried the entire time to have Tevin McCutcheon, release Sonathan Grumble, However Tevin would not release Grumble, in which I witnessed McCutcheon, Kill Grumble...

Erie County, without evidence, eyewitness, confession, or statement arrested me on False charges, arresting me For a crime I did not commit, assist, or have anything to do with, a crime committed By Tevin McCutcheon, and Erie county, has committed Fraud By charging me with Felony murder, without constituting the crimes elements:

Matthew Schunk

9-10-19

-V-

Habeas Corpus

State of New York:

Schunk's Defense

Felony Murder:

Felony Murder Rule:

A rule that establishes murder liability for a defendant, IF he or she kills another person during the commission of certain felonies... Rape, arson, Burg, robbery...

A.) I was in commission of no Felony...

B.) I did not kill another person...

C.) Grumble invades my dwelling firing a gun...

Unethical procedures By E.C.D.A.:

- ① Bribery - Feraletto offering Samuel Chapman con-current charge.
- ② Perjury - Det. Borrelli under oath saying no G.S.R.T. administered.
- ③ Tampering - Switching of my submitted statement...
- ④ FalseFying - manipulating, n-fabricating my involvement.
- ⑤ Forgery - a Fake signature of my name on the statement.
- ⑥ misleading - lying to the Court, I have an extensive C.R.
- ⑦ OBstruction - Threatening me with 25yrs to life, I did not do it.
- ⑧ False charges - arresting me for a crime I did not commit.
- ⑨ suppressing - concealing material fact...
- ⑩ Fraud - A misrepresentation of the truth...

Matthew Schunk

9-10-19

-V-

HaBaes Corpus

State of New York:

Schunk's Defense

Felony Murder Doctrine:

Holding that any Death resulting
From the commission or attempted commission
of a Felony is murder...

The Future of Felony murder is
uncertain, England where the Doctrine originated
has abolished it, The model penal code
recommends its abolition, Judicial
limitations on Felony murder seem to ensure
that in many States it would Be an unusual
case to Be convicted of Felony murder, absent
this Doctrine, one would not Be convicted
of murder... (Buffalo has not charged
anyone with Felony murder in 27 years)...

Self incrimination clause:

Guarantees that a person
cannot Be compelled By the Government
if, the testimony results in a person
Being criminally prosecuted...

Matthew Schunk

9-10-19

-V-

HaBaes Corpus

State of New York:

Schunk's Defense

Penal-law 35:30 (Sec 4)

A private person acting on his own account may use physical Force, other than Deadly physical Force, upon another person when and to the extent that he reasonably Believes such to Be necessary to effect an arrest, or to prevent the escape From custody of a person who has in Fact committed an offense...

A Constitution:

Emphasizes the unique American concept of restricting the powers of Government to preserve, and protect the rights of minorities against the arbitrary action of those in power, they must conform to this constitution...

Elements of a crime are specific Factors that Define a crime, the prosecution must prove these elements...

Matthew Schunk

9-10-19

-v-

HaBaes Corpus

State of New York:

Schunks Defense

Constitutional Rights:

Civil Rights:

The taking of a persons civil liberties, and personal freedoms that the Government cannot aBridge either By law or Judicial interpretation without Due process of law . . .

Due Process:

Fair treatment thru the Judicial system, especially as a citizens entitlement . . .

A legal requirement that the state must respect all legal rights that are owed to a person . . .

the conduct of legal proceedings according to established rules, and principles For the protection, and enforcement of private rights . . . the right to Fair proceedings . . .

Matthew Schunk

9-10-19

-V-

Ho-Baer Corpus

State of New York:

Schunk's Defense.

Bill of Rights: (Type 2)

Prohibitions, and requirements
of the Government toward the Defendant...
The Due process clause of the 14th
Amendment of the United States Constitution
applies these protections to Defendants
in cases Brought By the State...
(Why was I railroaded)...

Amendments:

4th Amendment - The right of people
to be secure in their person from the
effects of unreasonable seizure...

(?) With no evidence, eyewitness, or
confession what warrants my arrest...

5th Amendment - No person shall be
compelled in any criminal case to be a
witness against themselves. (?) How can my
statement, or interrogation be accepted by the court...

Matthew Schunk

9-10-19

-V-

ItaBacs Corpus

State of New York:

Schunk's Defense

AMENDMENTS:

6th Amendment - the accused will be informed of the nature, and cause of the accusation...

As I write this to this Day I still do not know the Basis of my arrest...

8th Amendment - no excessive Bail, nor cruel and unusual punishment inflicted...

With no evidence against me, I never had a Bail... Being held against my will for the crimes of Devin McCutcheon...

14th Amendment - no state shall deprive any person of life, or liberty without due process of law... Deprivation of my Freedom, and liberty for a crime I tried to stop, a violation of my civil Rights...

Violations of My Constitutional Rights:

- ① Intentionally Prosecuting a Fraudulent case
- ② Allowing inadmissible evidence with prejudicial intent
- ③ Producing no evidence to support the allegation
- ④ charging me with a crime I DID not commit
- ⑤ Knowingly concealing material Fact
- ⑥ Deliberately Violating my Due process
- ⑦ allowing False charges to continue in a Court room
- ⑧ Holding me responsible For other people's crimes
- ⑨ Direct violations of the 4th, 5th, 6th, 8th, 14th Amendments
- ⑩ mis-representation, and use of a criminal charge
- ⑪ unconstitutional Practice of an arrest Policy
- ⑫ Exercising Deliberate indifference of state, n-Federal law
- ⑬ not Proving essential elements of the allegations
- ⑭ unprofessional conduct Displayed By county officials
- ⑮ Deprivation of liberty without probable cause
- ⑯ non-compliance of Duty to conform with Brady Disc.
- ⑰ Knowingly exercising unethical means of action
- ⑱ Deliberate mistake of Fact to create, n-Believe in an action ^{that does not exist}
- ⑲ Suppressing Penal law 35:30 which Justifies my actions
- ⑳ Denying Defendant Equal protection of rights ^{By} guaranteed law
- ㉑ manipulating, and FalseFying criminal Fact For illegal charge
- ㉒ A Direct Disregard of my constitutional civil Rights
- ㉓ making an illegal arrest Based on a Speculated theory
- ㉔ Openly committing Prosecutorial misconduct in a court of law

Questions of concern:

- ① How can I Be charged with Felony murder without committing a Felony or Murder...
- ② How can I Be charged with McCutcheon's crimes
- ③ How can I Be charged with a crime with no evidence
- ④ How am I responsible For other people's criminal actions
- ⑤ How can it Be legal to go against the Constitution
- ⑥ How can the D.A. manipulate the witness into the criminal
- ⑦ How can Detectives say what happened with no eyewitness
- ⑧ How can this continue when the Fruit is From a poisonous tree
- ⑨ How can you violate the 5th Amendment to prosecute someone
- ⑩ How is switching charges without arraignment legal
- ⑪ How is the crime of Fraud overlooked By the court
- ⑫ How is a speculated theory construed as proof of Fact
- ⑬ How Does False charges, False information, False pretense ^{Prevail}
- ⑭ How am I Facing trial without evidence to warrant trial
- ⑮ How can a violent invasion with shots Fired constitute Kidnap
- ⑯ why DID all my court slips read (Murder and Degree)
- ⑰ How can County court allow all my evidence suppressed
- ⑱ what certifies the county actors in proper practice, procedure
- ⑲ How can I stand Before a court and not Be informed of the nature of my arrest...

Respectfully
Matthew Schure

Matthew Schenk 208
19B-0145
Governor's Corr. Facility
PO Box 480
Buffalo, NY 13612

SEP 16 2019

BUFFALO

2,05

19-CV-12

Clerk of Court
U.S. Courthouse
2 Niagara Square
Buffalo, N.Y. 14202

Signature
Date
Corrections Facility

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Matthew Schunk

DEFENDANTS

Erie county
Buffalo Police

(b) County of Residence of First Listed Plaintiff

Erie

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

Erie

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 410 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 2254

Brief description of cause:

Wrongful imprisonment (unconstitutional)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

Release me

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

Honorable L.J. Vilaro

DOCKET NUMBER

19-CV-12

DATE

8-22-19

SIGNATURE OF ATTORNEY OF RECORD

Matthew Schunk

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE